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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,015	07/20/2004	Hiroo Matsunaga	Q82646	8516
23373	7590	03/13/2006	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			MAKI, STEVEN D	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 03/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/502,015

Applicant(s)

MATSUNAGA, HIROO

Examiner

Steven D. Maki

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 072004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1) Figure 4A and 4B should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2) The disclosure is objected to because of the following informalities: The specification refers to the claims and the abstract should be one paragraph.

Appropriate correction is required.

3) The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4) Claims 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 is ambiguous since it is directed to a tire and it recites a method step. In claim 2, it is suggested to change "are integrally extruded" to --were formed by integrally extruding--.

5) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Iwamura

7) **Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Iwamura (US 6742559).**

See figure 1, col. 3 lines 55-58, col. 4 lines 23-31.

Rampl

8) **Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Rampl (US 4739811).**

See figure 3, col. 48-68, figure 4 and col. 10 lines 1-7.

Japan 101

9) **Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Japan 101 (JP 6-336101).**

See figure 1 and paragraph 11 of machine translation.

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**10) Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 101 in view of Sievers et al (US 4556376).**

Japan 101 discloses a pneumatic tire comprising a tread rubber 1, side edge rubbers 6, and sidewall rubber 2, a belt, a carcass and beads. Japan 101 teaches using the same composition for the side edge rubber 6 and the sidewall rubber. See paragraph 11 of machine translation.

Japan 101 is considered to anticipate claims 1 and 2. In any event: It would have been obvious to one of ordinary skill in the art to form Japan 101's tread 1 and side edge portions 6 by coextrusion since Sievers suggests coextruding a tire tread and edge strips by coextrusion to obtain satisfactory bonding.

**11) Claims 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 101 in view of Sievers et al as applied above and further in view of Caretta et al (US 3433695).**

As to claims 3 and 5, it would have been obvious to one of ordinary skill in the art to produce Japan 101's tire as claimed in view of the suggestion from Caretta et al to form a carcass on a rotary drum, apply the tread/ belt to the drum and then apply the sidewalls to the carcass and edges of the tread so as to form the carcass and apply other tire components using one drum. See figures 11, 15 and 16 of Caretta et al.

**12) Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japan 101 in view of Sievers et al as applied above and further in view of Japan 444 (JP 58-42444) or Takayanagi et al (US 4006766), and further in view of Caretta et al (US 3433695).**

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As to claims 3-5, it would have been obvious to one of ordinary skill in the art to use attachment preventing sheets to produce Japan 101's tire as claimed in view of the suggestion from Japan 444 (figure 3) or Takayanagi et al (figure 3, figures 4A, 4B, 4C) to use "attachment preventing sheets", shape a carcass and assemble sidewalls, tread and belt to the carcass to form a tire, which like that of Japan 101 has a "sidewall over tread" construction. Furthermore, it would have been obvious to one of ordinary skill in the art to form the carcass on a rotary drum and then use this same rotary drum to shape the carcass in view of Caretta et al's suggestion to use the same rotary drum to form a carcass and shape the carcass and thereby reduce the number of apparatus needed to build the tire.

## Remarks

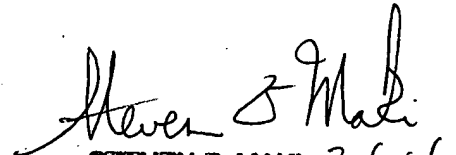
- 13) The remaining references are of interest.
- 14) No claim is allowed.
- 15) Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven D. Maki whose telephone number is (571) 272-1221. The examiner can normally be reached on Mon. - Fri. 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Steven D. Maki  
March 6, 2006

  
**STEVEN D. MAKI** 3-6-06  
**PRIMARY EXAMINER**